

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Thomas Joseph Coyne,

Plaintiff,

v.

South Carolina Secretary of State and
South Carolina Republican Party,

Defendants.

C/A No. 3:15-cv-03669-JFA-SVH

ORDER

Thomas Joseph Coyne (“Coyne”), filed this action pro se pursuant to 42 U.S.C. § 1983 against the South Carolina Secretary of State (“SCSOS”) and the South Carolina Republican Party (“SCGOP”) seeking a declaration that the filing fee and loyalty pledge requirements for a presidential candidate violate his rights under the First, Fourteenth, and Twenty-Fourth Amendments to the United States Constitution. (ECF No. 1). Since that time, various motions were made with regard to this action. (ECF Nos. 2, 18, 21, and 25). The Magistrate Judge assigned to this action prepared a Report and Recommendation (“Report”), opining that this Court should deny Coyne’s motion for preliminary injunction, grant SCSOS’s motion to dismiss, deny SCGOP’s motion to dismiss, and deny Coyne’s motion for summary judgment. (ECF No. 36). Objections to the Report were due on August 12, 2016; however, no objections were filed. (*Id.*). On August 30, 2016, this Court issued an order adopting the Report. (ECF No. 38).

On Friday, September 9, 2016, this Court began to receive various documents in the mail from Coyne titled as “a motion for trial by jury,” which this Court interpreted as a motion for reconsideration of its order. (ECF Nos. 42–45). The documents from Coyne were postmarked on September 6, 2016, or September 7, 2016. (ECF Nos. 42-1, 43-1, 44-1, and 45-1). These

documents were addressed to and received by chambers, not the Clerk's office.¹ (*Id.*). Therefore, these documents were not filed on CM/ECF until Monday, September 12, 2016. (ECF No. 42–45). In these various documents, Coyne asserts he did not receive a copy or know of the Report's existence prior to this Court's order on August 30, 2016. (*Id.*). Because it is possible that the Report was not received by Coyne, out of an abundance of caution, this Court hereby vacates its order adopting the Report to allow Coyne an opportunity to receive and object to the Report within fourteen (14) days after service of the Report—September 30, 2016. 28 U.S.C § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. (6)(a), (d).

The parties may file specific written objections to the Report to which objections are made and the basis for such objections with the Clerk. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Specific written objections must be filed by the date provided and failure to timely file specific written objections to the Report will result in waiver of the right to appeal from a judgment of this Court based upon such Report. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

The Clerk is directed to mail a copy of the Report and this order to Coyne forthwith.

IT IS SO ORDERED.

Joseph F. Anderson, Jr.
United States District Judge

¹ The document mailed on September 7, 2016, was only addressed to the Honorable Terry L. Wooten.